

FILEDUNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

IN THE UNITED STATES DISTRICT COURT

NOV 27 2012 *DL*

FOR THE DISTRICT OF NEW MEXICO

MATTHEW J. DYKMAN
CLERK

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|---------------------------|---|---|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | CRIMINAL NO. <u>12-3010</u> |
| |) | |
| vs. |) | 18 U.S.C. §§ 1153 and 1112: Involuntary |
| |) | Manslaughter. |
| JEREMIAH BURNS, |) | |
| |) | |
| Defendant. |) | |

INDICTMENT

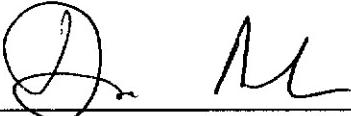
The Grand Jury charges:

On or about October 22, 2011, in Indian Country, in Rio Arriba County, in the District of New Mexico, the defendant, **JEREMIAH BURNS**, an Indian, unlawfully killed John Doe, while in the commission of an unlawful act not amounting to a felony, that is while: (1) violating New Mexico's statute prohibiting driving under the influence of intoxicating liquor, N.M. Stat. Ann. § 66-8-102 (1978), by having a blood alcohol concentration of eight one-hundredths (.08) grams or more in one hundred milliliters of blood within three hours of driving, and, being under the influence of a drug, and as a result of drinking liquor and using a drug, being less able to the slightest degree, either mentally or physically, or both, to exercise the clear judgment and steady hand necessary to handle a vehicle with safety to the person and the public; and (2) violating New Mexico's statute prohibiting reckless driving, N.M. Stat. Ann. § 66-8-113 (1978), by operating a motor vehicle without due caution and circumspection and with a wanton and reckless disregard for human life when he knew and should have known that his conduct imperiled the lives of others.

In violation of 18 U.S.C. §§ 1153 and 1112.

A TRUE BILL:

/S/
FOREPERSON OF THE GRAND JURY



Assistant United States Attorney
DMS 11/13/12 1:27 pm